

## 21 C.J.S. Courts § 128

Corpus Juris Secundum | May 2023 Update

### Courts

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### III. Creation and Constitution; Officers of Courts

#### B. Nonjudicial Officers and Employees Generally; Interpreters

##### 2. Probation Officers

### § 128. Compensation

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**The compensation of probation officers ordinarily is fixed and paid according to statutory regulations.**

Pursuant to statutory regulations, the compensation of a probation officer is determined by the court,<sup>1</sup> subject to the concurrence of the county board or equivalent municipal body,<sup>2</sup> and is paid by the county.<sup>3</sup> Where the officer's salary has been fixed by the court within the limit set by statute, and has been approved by the county board, the board cannot thereafter reduce the salary,<sup>4</sup> at least during the period for which an appropriation has been made.<sup>5</sup>

On the other hand, the fixing of the compensation of a probation officer has been held not to be a judicial function,<sup>6</sup> and the court has been held to be empowered to fix salaries only when it is

necessary and essential for the court to operate.<sup>7</sup> In some jurisdictions, the county board,<sup>8</sup> or the city in which a court is located,<sup>9</sup> is empowered to fix the salaries of probation officers.

Where the legislature is required by the constitution to fix the compensation of officers, it may not delegate to a county board the power to fix the compensation of probation officers.<sup>10</sup>

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## Footnotes

1 N.J.—[In re Salaries for Probation Officers of Hudson County, 1976-1977, 158 N.J. Super. 363, 386 A.2d 403 \(App. Div. 1978\)](#).

2 Ill.—[People ex rel. Callahan v. Whealan, 356 Ill. 328, 190 N.E. 698 \(1934\)](#).

3 Mass.—[Avery v. Norfolk County, 279 Mass. 598, 181 N.E. 707 \(1932\)](#).

4 Mo.—[Hasting v. Jasper County, 314 Mo. 144, 282 S.W. 700 \(1926\)](#).

5 Ill.—[People ex rel. Callahan v. Whealan, 356 Ill. 328, 190 N.E. 698 \(1934\)](#).

6 La.—[State ex rel. Booth v. Police Jury of East Baton Rouge, 128 La. 911, 55 So. 572 \(1911\)](#).

7 Ark.—[Venhaus v. State ex rel. Lofton, 285 Ark. 23, 684 S.W.2d 252 \(1985\)](#).

8 La.—[State ex rel. Booth v. Police Jury of East Baton Rouge, 128 La. 911, 55 So. 572 \(1911\)](#).

9 Ohio—[State ex rel. Heeter v. Mullenhour, 51 Ohio St. 2d 145, 5 Ohio Op. 3d 117, 364 N.E.2d 1382 \(1977\)](#).

10 Fla.—[State v. Board of Com'rs of Hillsborough County, 81 Fla. 271, 87 So. 917 \(1921\)](#).